

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 Case No.: 3:21-cv-00162-MMD-WGC

4 ANTHONY BURRIOLOA,

5 Plaintiff

6 v.

7 CHARLES DANIELS, et. al.,

8 Defendants

9 **Order**

10 Re: ECF Nos. 3, 4

11 Plaintiff, who is a prisoner in custody of the Nevada Department of Corrections, has filed
12 an application to proceed in forma pauperis (IFP) and amended civil rights complaint pursuant
13 to 42 U.S.C. § 1983. (ECF Nos. 1, 7.) District Judge Du screened Plaintiff's complaint and
14 allowed him to proceed with First Amended retaliation claims against defendants Mitchell, Fratis
15 and Henley; an Eighth Amendment claim for deliberate indifference to serious medical needs
16 against defendant Mitchell; and a claim for injunctive relief based on the violation of the Eighth
17 Amendment deliberate indifference to serious medical needs against Daniels related to the
18 alleged failure to timely refill his prescription for thyroid medication. (ECF No. 8.)

19 Plaintiff filed a motion for temporary restraining order and preliminary injunction related
20 to the alleged failure to timely refill his thyroid medication, resulting in his having to skip doses
21 of the medication. (ECF Nos. 3, 4.)


22 Within **14 days** of the date of this Order, the Attorney General's Office shall advise the
23 court whether it will enter a limited notice of appearance on behalf of Defendants, and if so, also
within **14 days** of the date of this Order, the Attorney General's Office shall file a response to
Plaintiff's motion for preliminary injunction. The response shall address only Plaintiff's claim

1 that he is not timely receiving refills of his thyroid medication, and shall file under seal any
2 *relevant* medical and pharmacy records. Plaintiff may kite the warden's office to review any
3 records filed under seal, and the Attorney General's Office shall ensure that Plaintiff is timely
4 given a reasonable time to review these records. Plaintiff will have **seven days** from the date he
5 receives the response brief to file a reply. The court will then determine whether a hearing is
6 necessary.

7 The Clerk of the Court shall electronically serve a copy of this Order, a copy of Plaintiff's
8 amended complaint (ECF No. 7), a copy of the screening order (ECF No. 8), as well as a copy of
9 Plaintiff's motion for temporary restraining order and preliminary injunction (ECF Nos. 3, 4) on
10 the Nevada Attorney General's Office by adding the Nevada Attorney General's Office to the
11 docket sheet. This will not constitute a general appearance.

12 **IT IS SO ORDERED.**

13 Dated: October 25, 2021

14 
15 William G. Cobb
16 United States Magistrate Judge
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